

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Town of Texas for the Establishment of a Public Crossing of the Wisconsin Central Ltd. Tracks with a New Road in the Town of Texas, Marathon County

9164-RX-537

ORDER OF DISMISSAL

By letter dated January 22, 2004, the McKeough Land Company (McKeough) submitted a petition on behalf of the Town of Texas to the Office of the Commissioner of Railroads (OCR) for the establishment of a public crossing of a new unnamed road with the Wisconsin Central Ltd. (WCL) tracks located in the Town of Texas, Marathon County. Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on March 3, 2004 in the Town of Texas, Wisconsin with hearing examiner Douglas S. Wood presiding. On April 13, 2004, the hearing examiner issued a proposed decision that approved the new crossing and required the installation of 12" LED automatic flashing lights. By letter dated April 21, 2004, the Town of Texas submitted a motion to withdraw the petition. The Town states that a necessary zoning change was denied for the subdivision. Consequently, the Commissioner concludes that the OCR should dismiss the matter.

THEREFORE IT IS ORDERED,

That this matter is dismissed.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

9164OD.537